

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

RAFAEL PEREZ,

Plaintiff,

Civil Action No. 6:13-CV-1198
(DNH/ATB)

vs.

KEVIN BEACH, *et al.*

Defendants.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

OFFICE OF
STEPHEN L. LOCKWOOD
285 Genesee Street
Utica, NY 13501

STEPHEN L. LOCKWOOD, ESQ.
DANIEL N. CAFRUNY, ESQ.

FOR DEFENDANTS:

OFFICE OF THE
CORPORATION COUNSEL
198 North Washington Street
Rome City Hall
Rome, NY 13440

GERARD F. FEENEY, II, ESQ.

DAVID N. HURD, U.S. DISTRICT JUDGE

JUDGMENT DISMISSING ACTION
BASED UPON SETTLEMENT

The parties have entered into an agreement in settlement of all
claims in this action, and that they reasonably anticipate finalizing their

agreement shortly, following which this action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Based upon this development, I find that it is not necessary for this action to remain on the court's active docket.

It is therefore hereby

ORDERED, as follows:

- 1) This action is dismissed, with prejudice, except as set forth below.
- 2) The court will retain complete jurisdiction to vacate this order and to reopen the action within three months from the date of this order upon cause shown that the settlement has not been completed and further litigation is necessary.
- 3) The Clerk shall forthwith serve copies of this judgment upon the parties and/or their attorneys appearing in this action by electronic means.


United States District Judge

Dated: April 28, 2014
Utica, New York